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OFFICE OF PETITIONS

In re Patent No. 6,755,966
Issue Date: June 29, 2004
Application No. 09/601,375
Filed: September 21, 2000
Attorney Docket No. 1367-4

ON PETITION

This is a decision on the communications filed March 23, 2005, June 22, 2005, and July 28, 2005, which is being treated as a petition under 37 CFR 1.182, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

Petitioner alleges that the Letters Patent (hereinafter "Patent") had not been received. A review of the written record indicates no irregularity in the mailing of the Patent, and in the absence of any irregularity there is a strong presumption that the Patent was properly mailed to the petitioner at the address of record.

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. However, the showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). See MPEP 711.03(c). In view of the above, petitioner must provide documentation to support the allegation that the Patent was not received. While this section of the Manual refers to Office communications, i.e., Office actions, the same standards apply to show nonreceipt of any communication.

The fee required for filing a petition under 37 CFR 1.182 is \$400. Petitioner has not provided the required \$400 petition fee. If petitioner can provide an adequate showing (as noted above) to the Office, the petition fee will be refunded. However, if petitioner is unable to provide the aforementioned showing, the Office will retain the \$400 petition fee. Upon the filing of a Request for Reconsideration of

Petition under 37 CFR 1.182 and the requisite fee and/or adequate showing, the Office will mail a duplicate Letters Patent.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.


Marianne E. Jenkins
Petitions Examiner
Office of Petitions